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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/681,229	03/01/2001	Paul P. Elko	391999514-00	6956

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EXAMINER

TRAN, HUAN HUU

ART UNIT

PAPER NUMBER

2861

DATE MAILED: 10/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/681,229

Applicant(s)

ELKO ET AL.

Examiner

Huan H. Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10-18 and 24-31 is/are allowed.
- 6) ☒ Claim(s) 1, 5, 6, 8, 9 and 19 is/are rejected.
- 7) ☒ Claim(s) 2-4, 7 and 20-23 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 March 2001 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 08/12/02; 06/26/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Information Disclosure Statement

1. With respect to DE 4034327, the information disclosure statement filed on 06/26/2003 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because there is no submission of the concise explanation of the relevance of the non-English language reference (DE 4034327). Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609 ¶ C(1).

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 5, 6, 9, 19 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Honda (EP 0947340)

As to claim 1 Honda discloses –with reference to the drawings - a method of printing, the method comprising:

passing a medium through a printing device; and

printing on oppositely facing portions of the medium during a single pass of the medium through the printing device (by means of printheads 12 and 22 disposed on opposite sides of the printing medium 1).

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As to claim 5, Honda clearly teaches the limitation “wherein printing on oppositely facing portions includes printing on one portion with a first print head and printing on the other portion with a second print head”. As shown in the drawings, the first printhead 12 prints on one side of the printing medium while the printhead 22 prints on the other side of the printing medium 1.

As to claim 6, Honda teaches the limitation “wherein printing with the first and second print heads occurs substantially simultaneously. See paragraph [0028].

As to claim 9, Honda clearly teaches the limitation “wherein the printing device includes a thermal print head”. See thermal heads 12 or 22 in the drawings.

As to claim 19, Honda teaches –with reference to Fig. 2a for example, a printing device for printing on oppositely facing portions of a medium in a single pass, the printing device comprising :

- a feed path for receiving the medium 1;
- a first print head 12 adjacent a first side of the feed path; and
- a second print head 22 adjacent a second side of the feed path.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claim 8 rejected under 35 U.S.C. 103(a) as being unpatentable over Honda in view of Curtis et al. (US Patent 4509530).

As to claim 8, as explained above, Honda discloses the claimed method of printing on both sides of a printing medium using thermal heads. Honda does not teach that the printed information is medical patient data.

Curtis et al. discloses a printing device that use a thermal head to print medical data such as ECG.

It would have been obvious to one of ordinary skill in the art to use the printing device of Honda to print medical data as taught in Curtis et al. to avoid the use of galvanometer technology utilizing a movable stylus pen.

Allowable Subject Matter

5. Claims 2, 3/2, 4/2, 7, 20-23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. Claims 10-18, 24-31 are allowed.

7. The following is a statement of reasons for the indication of allowable subject matter:

As to claims 2, 3/2, 4/2, prior art do not teach or suggest at least the limitation “wherein the medium is folded and wherein the printing on oppositely facing portions is done such that when the folded medium is unfolded, the printed information on one portion of the medium correlates with the printed information on the other portion of the medium”

As to claim 7, prior art do not teach or suggest the limitation “wherein the printed information is data, wherein the data is measured with respect to time, and wherein a portion of the data collected in a

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first measurement time is printed by the first print head before a portion of the data collected in the first measurement time is printed by the second print head, thereby allowing the first and second print heads to be offset from one another in the printing device”.

As to claims 10-18, prior art do not teach or suggest the claimed method of printing physiological data on oppositely facing portions of a folded medium.

As to claims 20-23, prior art do not teach or suggest at least the limitation “the medium is folded and the feed path is sized to receive the folded medium”.

As to claims 24-31, prior art do not teach or suggest at least a portable medical device comprising a printing device having a feed path for receiving a folded medium having oppositely facing portions; and first and second print heads for printing on the oppositely facing portions of the folded medium.

As to claim 29, prior art do not teach or suggest the limitation “the feed path includes a separation member positionable between folded portions of the folded medium” to provide a thermal barrier between the oppositely facing portions of the print medium.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huan H. Tran whose telephone number is (571) 272-2261. The examiner can normally be reached on at work on W-F from 6:30 to 5; T are telework days.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Stephen Meier can be reached on (571) 272-2149. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Huan H. Tran
Primary Examiner
Art Unit 2861

hht

10/22/04